

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BLAKE AMAFA,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:23-cv-00574-JAD-EJY

REPORT AND RECOMMENDATION
ECF No. 5

On April 17, 2023, Plaintiff filed Initiating Documents with the Clerk of Court that included his original *in forma pauperis* (“IFP”) application (ECF No. 1) and a document titled Notice of Removal (ECF No. 1-2). The Court construed the Notice of Removal as Plaintiff’s Complaint. Plaintiff’s IFP application was incomplete under the requirements of 28 U.S.C. § 1915(a)(1) because Plaintiff failed to include his financial information. ECF No. 3 at 1-2. Plaintiff’s Complaint was over ninety pages long and consisted of random documents and gibberish that did not plead a cognizable claim for relief. *Id.* at 2.

As a result, the Court issued an Order giving Plaintiff through and including May 22, 2023 to file a complete long form IFP application together with an amended complaint alleging cognizable claims satisfying the pleading requirements of Federal Rule of Civil Procedure 8. *Id.* at 2-3. The Court instructed the Clerk of Court to send Plaintiff the long form IFP application for a non-prisoner and the form and directions for filing a civil rights complaint in federal court. *Id.* The Court explained that if Plaintiff failed to comply with the Court’s Order, it would recommend dismissal of this action in its entirety. *Id.* at 3.

On May 23, 2023, Plaintiff filed his second IFP application. ECF No. 5. This application provides no more information than Plaintiff’s original IFP application. Plaintiff again states he makes no money, has no bills, has no other property of any kind, has no dependents, and has no debts. *Id.* Even if the Court accepts these representations as true despite reasons to doubt their

1 accuracy, Plaintiff did not comply with the second prong of the Court's prior Order. Plaintiff did
2 not file an amended complaint.

3 Based on the foregoing, IT IS HEREBY RECOMMENDED that Plaintiff's second
4 application to proceed *in forma pauperis* (ECF No. 5) be denied as moot because Plaintiff failed to
5 comply with the Court's Order to file an amended complaint alleging a cognizable claim.

6 IT IS FURTHER RECOMMENDED that this matter be dismissed without prejudice for
7 failure to comply with the Court's April 18, 2023 Order.

8 Dated this 25th day May, 2023.

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10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
14 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
15 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
16 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
17 held that (1) failure to file objections within the specified time and (2) failure to properly address
18 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
19 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
20 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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